

SECTION 36. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; passed the House on May 9, 2017: Yeas 144, Nays 1, two present not voting.

Approved May 22, 2017.

Effective September 1, 2017.

**CREATION OF THE BRAZORIA COUNTY MUNICIPAL
UTILITY DISTRICT NO. 70; GRANTING A LIMITED POWER
OF EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 76

H.B. No. 1963

AN ACT

**relating to the creation of the Brazoria County Municipal Utility District No. 70;
granting a limited power of eminent domain; providing authority to issue bonds;
providing authority to impose assessments, fees, and taxes.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7964 to read as follows:

CHAPTER 7964. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7964.001. **DEFINITIONS.** *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Brazoria County Municipal Utility District No. 70.

Sec. 7964.002. **NATURE OF DISTRICT.** *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 7964.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 7964.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors may not hold an election under Section 7964.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 7964.005. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

(1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*

(2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 7964.006. **INITIAL DISTRICT TERRITORY.** (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) *organization, existence, or validity;*
- (2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*
- (3) *right to impose a tax; or*
- (4) *legality or operation.*

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7964.051. GOVERNING BODY; TERMS. (a) *The district is governed by a board of five elected directors.*

(b) *Except as provided by Section 7964.052, directors serve staggered four-year terms.*

Sec. 7964.052. TEMPORARY DIRECTORS. (a) *On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.*

(b) *Temporary directors serve until the earlier of:*

- (1) *the date permanent directors are elected under Section 7964.003; or*
- (2) *the fourth anniversary of the effective date of the Act enacting this chapter.*

(c) *If permanent directors have not been elected under Section 7964.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

- (1) *the date permanent directors are elected under Section 7964.003; or*
- (2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7964.101. GENERAL POWERS AND DUTIES. *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

Sec. 7964.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 7964.103. LEVEE IMPROVEMENT DISTRICT POWERS AND DUTIES. *The district has the powers and duties provided by the general law of this state, including Chapter 57, Water Code, applicable to levee improvement districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 7964.104. AUTHORITY FOR ROAD PROJECTS. *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 7964.105. ROAD STANDARDS AND REQUIREMENTS. (a) *A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.*

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7964.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7964.107. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if:

- (1) the district has no outstanding bonded debt; and
- (2) the district is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7964.003 to confirm the creation of the district.

(f) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds description of the territory of each new district;
- (3) appoint temporary directors for each new district; and
- (4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7964.003.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7964.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7964.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7964.153.

(b) *The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.*

(c) *The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.*

Sec. 7964.152. **OPERATION AND MAINTENANCE TAX.** (a) *If authorized at an election held under Section 7964.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.*

(b) *The board shall determine the tax rate. The rate may not exceed the rate approved at the election.*

Sec. 7964.153. **CONTRACT TAXES.** (a) *In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.*

(b) *A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.*

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7964.201. **AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.** *The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.*

Sec. 7964.202. **TAXES FOR BONDS.** *At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.*

Sec. 7964.203. **BONDS FOR ROAD PROJECTS.** *At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.*

SECTION 2. The Brazoria County Municipal Utility District No. 70 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a certain 2273.1 acres of land situated in the H.T.&B.R.R. Company Survey, Abstract No. 254, the H.T.&B.R.R. Company Survey, Abstract No. 251, the A. A. Talmage Survey, Abstract No. 554, the A. A. Talmage Survey, Abstract No. 553 and the James L Holmes Heirs Survey, Abstract No. 610, all in Brazoria County, Texas and being out of a called 2856.555 acre tract of land (Tract 1) and a called 14.188 acre tract of land (Tract 2), conveyed to Dee S. Osborne by the deed recorded in Volume 1159, Page 715 of the Brazoria County Deed Records, a called 98.2535 acre tract of land conveyed to Southeast Properties, Ltd by the deed recorded in Clerk's File No. 92-33050 of the Brazoria County Official Public Records and a called 109.232 acre tract of land conveyed to Southeast Properties, LTD recorded in Volume 1221, Page 362 of the Brazoria County Deed Records; said 2273.1 acres being more particularly described in two tracts as follows, with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

TRACT ONE, 1208.2 ACRES

BEGINNING at a found $\frac{5}{8}$ -inch iron rod at the northwest corner of said 14.188 acre tract, common with the northeast corner of a called 2.50 acre tract of land conveyed to Carlos Hernandez and Olga Hernandez by the deed recorded in Clerk's File No. 99-056053 of the Brazoria County Official Public Records and being in the southerly right-of-way line of County Road 511;

THENCE, North 87°04'39" East, along the northerly line of said 14.188 acre tract, common with said southerly right-of-way line, at a distance of 1546.49 feet passing a found 1/2-inch iron rod for the northeast corner of said 14.188 acre tract and continuing for a total distance of 1646.82 feet to a point for corner in the right-of-way of FM 1462;

THENCE, South 30°16'03" East, at 54.76 feet passing a found 1/2-inch iron rod at the northernmost corner of said 2856.555 acre tract, common with the intersection of the Southerly right-of-way line of said FM 1462 with the westerly right-of-way line of said County Road 511 and then continuing with the easterly line of said 2856.555 acre tract, common with the westerly right-of-way line of said County Road 511, for a total distance of 5989.45 feet to a set 3/4-inch iron rod (with cap stamped "Jones | Carter property corner") at the beginning of a non-tangent curve to the left;

THENCE, departing said common line, over and across said 2856.555 acres and along the arc of said non-tangent curve to the left having a radius of 2640.00 feet, a central angle of 66°45'27", an arc length of 3075.96 feet, and a long chord bearing South 03°17'15" West, 2904.90 feet to a point for corner;

THENCE, South 30°05'28" East, a distance of 23.74 feet to a set 3/4-inch iron rod (with cap stamped "Jones | Carter property corner") in the southeasterly line of said 2856.555 acre tract, common with the northwesterly line of a called 110.21 acre tract of land conveyed to Patrick D. Moller and wife, Suzanne Moller by the deed recorded in Clerk's File No. 96-005947 of the Brazoria County Official Public Records and from which a found 5/8-inch iron rod in the westerly right-of-way line of said County Road 511, bears North 59°36'38" East, 955.96 feet;

THENCE, South 59°36'38" West, along said common line, a distance of 2575.73 feet to a set 3/4-inch iron rod (with cap stamped "Jones | Carter property corner") at the beginning of a non-tangent curve to the right;

THENCE, departing said common line, over and across said 2856.555 acres and along the arc of said non-tangent curve to the right having a radius of 5280.00 feet, a central angle of 07°33'42", an arc length of 696.84 feet, and a long chord bearing North 48°41'21" West, 696.33 feet to the beginning of a compound curve to the right;

THENCE, continuing over and across said 2856.555 acres and along the arc of said compound curve to the right having a radius of 5280.00 feet, a central angle of 21°24'05", an arc length of 1972.22 feet, and a long chord bearing North 51°53'34" West, 1960.78 feet to a point for corner;

THENCE, continuing over and across said 2856.555 acres, the following six (6) bearings and distances;

- 1) North 67°16'53" West, a distance of 1365.55 feet to a point for corner;
- 2) North 68°00'23" West, a distance of 1178.08 feet to a point for corner;
- 3) North 67°37'10" West, a distance of 885.98 feet to a point for corner;
- 4) North 34°22'34" West, a distance of 700.44 feet to a point for corner;
- 5) North 33°50'21" West, a distance of 1651.19 feet to a point for corner;
- 6) North 32°16'42" West, a distance of 473.37 feet to a point for corner;

THENCE, North 33°31'32" West, continuing over and across said 2856.555 acres and over and across said 98.2535 acres, a distance of 2191.74 feet to a set 3/4-inch iron rod (with cap stamped "Jones | Carter property corner") in the northerly line of said 2856.555 acres, common with the southerly right-of-way line of said FM 1462;

THENCE, North 86°56'14" East, along said common line, at 186.72 feet passing a found 1/2-inch iron rod at the northwest corner of said 98.2535 acres, at 1005.62 feet passing a found concrete monument at the northeast corner of said 98.2535 acre tract, then continuing with the northerly line of said 2856.555 acres, common with the southerly right-of-way line of said FM 1462, for a total distance of 2296.45 feet to a point for corner;

THENCE, North 86°49'41" East, continuing along said common line, a distance of 1353.40 feet to the beginning of a curve to the left;

THENCE, continuing along said common line and the arc of said curve to the left having a radius of 1482.69 feet, a central angle of $14^{\circ}54'54''$, an arc length of 385.97 feet, and a long chord bearing North $79^{\circ}22'13''$ East, 384.88 feet to the westernmost corner of a called 3.37 acre tract of land conveyed to Tommy Nguyen and wife, Kathy Nguyen by the deed recorded in Clerk's File No. 2005005114 of the Brazoria County Official Public Records;

THENCE, North $86^{\circ}52'55''$ East, along a northerly line of said 2856.555 acre tract, common with the southerly line of said 3.37 acre tract, a distance of 830.05 feet to the southeast corner of said 3.37 acre tract, common with an interior corner of said 2856.555 acre tract;

THENCE, North $02^{\circ}42'05''$ West, along an interior line of said 2856.555 acre tract, common with the easterly line of said 3.37 acre tract, a distance of 388.94 feet to the northernmost corner of said 3.37 acre tract also being in the southerly right-of-way line of said FM 1462;

THENCE, North $59^{\circ}47'44''$ East, along northerly line of said 2856.555 acre tract, common with the southerly right-of-way line of said FM 1462, a distance of 1089.08 feet to a point for corner;

THENCE, North $02^{\circ}54'16''$ West, departing said common line and over and across the right-of-way of said FM 1462, at a distance of 111.54 feet passing a found $\frac{1}{2}$ -inch iron rod at the southwest corner of said 14.188 acre tract, common with the southeast corner of a called 2.311 acre tract of land conveyed to Yu-Ping Goodman by the deed recorded in Clerk's File No. 02-008105 of the Brazoria County Official Public Records, then continuing along the easterly lines of said 2.311 acre and 2.50 acre tracts, common with the westerly line of said 14.188 acre tract, for a total distance of 911.10 feet to the POINT OF BEGINNING, OF TRACT ONE CONTAINING 1208.2 acres.

TRACT 2, 1064.9 ACRES

COMMENCING at a found $\frac{5}{8}$ -inch iron rod at the northwest corner of said 14.188 acre tract, common with the northeast corner of said 2.50 acre tract and being the POINT OF BEGINNING of the above described Tract One.

THENCE, South $02^{\circ}54'16''$ East, along the westerly line of said 14.188 acre tract, common with the easterly lines of said 2.50 acre and 2.311 acre tracts, at 799.56 feet passing a $\frac{1}{2}$ -inch iron rod found at the southwest corner of said 14.188 acre tract, common with the southeast corner of said 2.311 acre tract, then continuing over and across said right-of-way of FM 1462, a total distance of 911.10 feet to a point in the northerly line of said 2856.555 acre tract, common with the southerly right-of-way line of said FM 1462;

THENCE, South $59^{\circ}47'44''$ West, along said common line, a distance of 1089.08 feet to the northernmost corner of a said 3.37 acre tract;

THENCE, South $02^{\circ}42'05''$ East, departing said common line and along an interior line of said 2856.555 acre tract, common with the easterly line of said 3.37 acre tract, a distance of 388.94 feet to the southeast corner of said 3.37 acre tract, common with an interior corner of said 2856.555 acre tract;

THENCE, South $86^{\circ}52'55''$ West, along a northerly line of said 2856.555 acre tract, common with the southerly line of said 3.37 acre tract, a distance of 830.05 feet to the westernmost corner of said 3.37 acre tract, being in the southerly right-of-way line of said FM 1462 at the beginning of a curve to the right;

THENCE, along a northerly line of said 2856.555 acre tract, common with the southerly right-of-way line of said FM 1462 and the arc of said curve to the right having a radius of 1482.69 feet, a central angle of $14^{\circ}54'54''$, an arc length of 385.97 feet, and a long chord bearing South $79^{\circ}22'13''$ West, 384.88 feet to a point for corner;

THENCE, South $86^{\circ}49'41''$ West, continuing along said common line, a distance of 1353.40 feet to a point for corner;

THENCE, South $86^{\circ}56'14''$ West, continuing along said southerly right-of-way line, common with the northerly line of said 2856.555 acres and the northerly line of said 98.2535 acres, distance of 2296.45 feet to a point for corner;

THENCE, South 87°01'47" West, continuing along said southerly right-of-way line, common with the northerly line of said 2856.555 acres and the northerly line of said 109.232 acres, a distance of 1590.81 feet to the northwest corner of said 109.232 acre tract, being in the easterly line of a called 80.74 acre tract of land conveyed to South Associates by the deed recorded in Volume 1420, Page 710 of the Brazoria County Deed Records;

THENCE, South 02°27'26" East, departing said common line and along the westerly line of said 109.232 acre tract, common with the easterly line of said 80.74 acre tract, a distance of 2584.43 feet to the southeast corner of said 80.74 acres, common with an interior corner of said 2856.555 acre tract;

THENCE, South 86°55'53" West, along the southerly line of said 80.74 acres, common with a northerly line of said 2856.555 acres, a distance of 256.28 feet to a set $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones | Carter property corner") for the POINT OF BEGINNING of the herein described tract;

THENCE over and across said 2856.55 and 109.232 acre tracts the following six (6) bearings and distances;

- 1) South 33°07'56" East, a distance of 1574.72 feet to a point for corner;
- 2) South 32°45'11" East, a distance of 1737.40 feet to a point for corner;
- 3) South 34°06'46" East, a distance of 525.85 feet to a point for corner;
- 4) South 37°02'29" East, a distance of 125.27 feet to a point for corner;
- 5) South 33°08'38" East, a distance of 825.02 feet to a point for corner;
- 6) South 67°31'02" East, a distance of 2641.65 feet to a point for corner;

THENCE, South 67°38'45" East, continuing over and across said 2856.555 acres, a distance of 2391.22 feet to a set $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones | Carter property corner") in the southeasterly line of said 2856.555 acre tract, common with the northwesterly line of a called 5440.64 acre tract of land conveyed to HRI Development Corporation by the deed recorded in Clerk's File No. 88544-596 of the Brazoria County Official Public Records;

THENCE, South 59°36'38" West, along said common line, a distance of 4112.50 feet to a found axel at the most southerly southeast corner of said 2856.555 acres also being an interior corner of said 5440.64 acres;

THENCE, South 89°58'50" West, along the southerly line of said 2856.555 acre tract, common with a northerly line of said 5440.64 acre tract, a distance of 4086.26 feet to an angle point;

THENCE, South 87°30'17" West, continuing along said common line, a distance of 2116.63 feet to the southwest corner of said 2856.555 acre tract, common with the southeast corner of a called 347.07 acre tract of land conveyed to Tehama Communities, LLP by the deed recorded in Clerk's File No. 2005072012 of the Brazoria County Official Public Records;

THENCE, North 03°17'11" West, along a westerly line of said 2856.555 acre tract, common with the easterly line of said 347.07 acre tract, a distance of 5281.54 feet to the northeast corner of said 347.07 acre tract, being in the southerly line of a called 50 acre tract of land conveyed to Willie Alton, et al by the deed recorded in Volume 928, Page 141 of the Brazoria County Deed Records;

THENCE, North 87°07'20" East, along an interior line of said 2856.555 acre tract, common with the southerly line of said 50 acre tract, a distance of 486.77 feet to the southeast corner of said 50 acre tract, common with an interior corner of said 2856.555 acre tract;

THENCE, North 02°42'52" West, along a westerly line of said 2856.555 acre tract, common with the easterly lines of said 50 acre tract, a called 40.13 acre tract of land conveyed to Krystal G. Hodge by the deed recorded in Clerk's File No. 2014019841 of the Brazoria County Official Public Records and a called 42.122 acre tract of land conveyed to Bjorn F. Lindgren and wife, Beverly L. Lindgren by the deed recorded in Clerk's File

No. 2004063194 of the Brazoria County Official Public Records, a distance of 2675.71 feet to the most westerly northwest corner of said 2856.55 acre tract, common with the southeast corner of a called 80.74 acre tract (Tract 2) of land conveyed to South Associates by the deed recorded in Volume 1420, Page 710 of the Brazoria County Deed Records;

THENCE, North 86°55'53" East, along a northerly line of said 2856.555 acre tract, common with the southerly lines of said 80.74 acre tracts (Tract I and 2), a distance of 2420.68 feet to the POINT OF BEGINNING OF TRACT TWO, CONTAINING 1064.9 acres and together with the above described tract one containing a total of 2273.1 acres of land in Brazoria County, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7964, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7964.108 to read as follows:

Sec. 7964.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 141, Nays 3, 3 present, not voting; passed by the Senate on May 11, 2017: Yeas 30, Nays 1.

Approved May 23, 2017.

Effective May 23, 2017.

**CREATION OF THE BRAZORIA COUNTY MANAGEMENT
DISTRICT NO. 1; PROVIDING AUTHORITY TO ISSUE BONDS;
PROVIDING AUTHORITY TO IMPOSE ASSESSMENTS, FEES,
AND TAXES**

CHAPTER 77

H.B. No. 2332

AN ACT

relating to the creation of the Brazoria County Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas: